

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

KOCH FOODS OF ALABAMA, LLC, an Alabama limited liability company,)	Case No. 07-cv-522-MHT
Plaintiff and Counter-Defendant,)	
v.)	Honorable Myron H. Thompson
)	Honorable Terry F. Moorner
GENERAL ELECTRIC CAPITAL CORPORATION, a Delaware corporation,)	
Defendant and Counter-Plaintiff.)	

**GE CAPITAL'S MOTION FOR SUMMARY JUDGMENT
AS TO ALL CLAIMS AND COUNTERCLAIMS**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant and Counterclaim-Plaintiff General Electric Capital Corporation ("GE Capital") moves for summary judgment as to each and every claim Plaintiff and Counter-Defendant Koch Foods of Alabama, LLC ("Plaintiff") asserts against GE Capital and each and every counterclaim that GE Capital has asserted against Plaintiff. In support of this motion, GE Capital states that no genuine issue of material fact exists as to any of Plaintiff's claims or its counterclaims, and GE Capital is entitled to judgment as a matter of law.

This motion will be supported by a brief and evidentiary submissions that GE Capital is filing contemporaneously herewith.

Dated: December 7, 2007

Respectfully submitted,

By: /s/ Timothy S. Harris
Attorney for General Electric Capital
Corporation

/s/ Rusha C. Smith
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CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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